

VIGO COUNTY COUNCIL
Sunshine Meeting Minutes
Tuesday, April 6, 2021 at 5:00 P.M.
Council Chambers, Vigo County Annex

Pledge of Allegiance

President Pro Tem David Thompson called the meeting to order and led the Pledge of Allegiance.

Calling of the roll

Present: Brenda Wilson, Travis Norris, Marie Theisz, Don Morris, Vicki Weger, David Thompson. Aaron Loudermilk was absent.

First reading by summary reference of proposed ordinances and resolutions

- i. ROC 2021-016, Resolution 2021-03: Duke Energy Renewable Services, LLC – 10-year tax abatement for solar farm project
- ii. ROC 2021-010, Resolution of Reallocation 2021-01, Salary Ordinance 2021-11: Commissioners – out-of-series transfer
- iii. ROC 2021-015, Resolution of Reallocation 2021-02: Parks & Recreation – out-of-series transfer
- iv. ROC 2021-011, Salary Ordinance 2021-07: LIT/PSAP – add 3 shift supervisor and 3 assistant supervisor stipends
- v. ROC 2021-012, Salary Ordinance 2021-08, Additional Appropriation Ordinance 2021-06: Vigo County Courts – Amend job description and rate of compensation
- vi. ROC 2021-013, Salary Ordinance 2021-09, Additional Appropriation Ordinance 2021-07: Building Inspection – Amend title, job description and classification
- vii. ROC 2021-014, Salary Ordinance 2021-10, Additional Appropriation Ordinance 2021-08: Commissioners – Amend job description, classification and FLSA status
- viii. ROC 2021-017, Encumbrances from 2020 budget [**The ROC number was referred to at the meeting as being 2021-015 but it was later determined that it should actually be 2021-017.**]

Public Comment

There were none.

Communications from elected officials, other officials or agencies of the County

Auditor James Bramble presented the list of encumbrances that had carried over from 2020. At the instruction of the State Board of Accounts, this is to be presented for informational purposes. \$6,275,960.41 was encumbered from 2020. No action is necessary. Council Attorney Robert Effner stated that they had been in contact with the State Board of Accounts and were waiting on clarification of instructions as to whether or

not the Council needed to act on approving the encumbrances. Mr. Bramble stated that he had correspondence with the Supervisor of the Board of Accounts and the State Examiner and his response to the question of: "Do these need to be approved by the Council?" was: "The Council has already approved the appropriation, they do not need to be approved again." Mr. Effner commented that they were going to wait to hear from the State Board for clarification. Mr. Bramble noted that he was going to proceed with the instructions he has.

Reports from committees

There were none.

Ordinances relating to appropriations.

i. ROC 2021-016, Resolution 2021-03: Duke Energy Renewable Services, LLC 10-year tax abatement for solar farm project

Tyler Coon was present to talk about this. In order to correct the record, he first noted that the name should be Duke Energy Renewables Solar, LLC instead of Duke Energy Renewable Services. Mr. Coon is a project developer for their renewable portfolio in the Midwest. This is a proposed project that encompasses land in both Vigo and Sullivan Counties. Duke Energy Renewables Solar is a separate business entity under the Duke Energy Corporation. This is not Duke Energy Indiana. A slide presentation was then presented providing information about Duke Energy Renewables and what this project encompasses. This particular project would be on farmland that is comprised entirely of a reclaimed strip mine, what they would consider as a "clean brown field site." They are looking at using approximately 1,500 acres. The power they would be producing would be sold to buyer(s) through a long-term power purchase agreement. The buyer(s) could be a utility company or commercial entities. Construction would begin in 2023 and begin operation in 2024. Even with a tax abatement, this project would generate a lot of new tax dollars. There would be many construction jobs and approximately 2-4 permanent full-time jobs long term. There will be no hazardous waste, noise, glare or additional traffic involved in this project. Other representatives present to talk about the project included Tim Hayes, Environmental Director with Duke Energy Renewables; Nathan Hagerman of Taft, Stettinius & Hollister; and Rick Burger with Duke Energy. A lengthy discussion with questions from the Council then took place. Some of the highlights of the questions and answers follow. It was noted that this was intended to be a 35-40 year project. If mutually agreed between the landowner and Duke Energy Renewables, that time period could be extended for as much as another 35-40 years. It was also noted that at the end of this project, the land would be returned to its normal state. It is common for Duke Energy Renewables to ask for and receive tax abatements in other areas where they locate facilities. Councilwoman Theisz asked if they would possibly locate elsewhere if they did not receive the requested tax abatement. They hope to locate here but, if the tax abatement is not granted, they may be forced to look at other locations for economic reasons. They plan to use local labor to the extent that it is available and feasible. This will not impact future rate increases requested by Duke Energy. As stated before, they are two separate entities owned by the same parent company. The energy they produce is bought by other companies and would not be utilized by Duke Energy Indiana unless

they bought the energy produced from Duke Energy Renewables Solar. Steve Witt with the Terre Haute Economic Development Commission briefly spoke favorably of this project. He noted that it is rare that we have the opportunity for a development in excess of \$100 million dollars. He also noted that, as a rule, it is difficult to attract typical industrial use for reclaimed property because of concerns about heavy loads, contamination and things like that.

ii. ROC 2021-012, Salary Ordinance 2021-08, Additional Appropriation Ordinance 2021-06: Vigo County Courts

Hon. Michael Lewis, Hon. Sarah Mullican, Hon. John Roach, Joe LaBree, Court Services Director Bill Watson and Chief Public Defender Gretchen Etling were all present in support of this request and offered comments. When the Covid-19 crisis hit last year, it required a whole new way to conduct jury selection, trials, etc. that required a lot of new and additional technology that will continue to be used even after the stage is reached where we can interact on a closer basis again. Zoom, recording systems, jury selection, video equipment will be used on a permanent basis. Mr. LaBree also helps out as needed in the Clerk's Office, the Prosecutor's Office (to some extent without violating any ethics rules) and he helps out occasionally with the Sheriff's Office even though he is the Courts' Administrator. All of these additional duties will continue past Covid. It was noted that they could not afford to lose Mr. LaBree to another employer. There have been recent offers from others. Council members then asked questions. As an aside, Judge Roach noted that the Courts are interested in using what will be the former jail adjacent to the Court House, once the new one is complete, for jury selection in order to save money. A lengthy discussion continued. The question was asked whether this could be mandated by the Courts. Judge Lewis answered that it could but they would prefer to do it this way and not use "bully power" to get it accomplished. Bill Watson gave a short update on the pre-trial services program that had been implemented and the success they are having.

iii. ROC 2021-010, Resolution of Reallocation 2021-01, Salary Ordinance 2021-11: Commissioners

Commissioner Chris Switzer was present to explain this request. It was noted that Terry Modesitt and/or Joel Modesitt and/or Jared Modesitt have been here assisting Michael Wright. They want to take the existing salary that is left over that Michael Wright does not get paid and put that into a legal services line to pay Modesitt Law Firm. Council Administrator Kylissa Miller explained that as a housekeeping matter, Salary Ordinance 2021-11 had been added to this request in order to clarify that this is a part-time position and no longer a full-time position and the salary ordinance needs to reflect that.

iv. ROC 2021-015, Resolution of Reallocation 2021-02: Parks & Recreation

Adam Grossman explained that this would be the last time to ask for movement of these funds. They did not intend to ask or pay anyone to mow property again in West Terre Haute. They are transitioning into a shop facility in West Terre Haute. This will get their money into contractual services and allow them to mow their properties and clean the

port-a-johns and things like that. Once the shop facility is in place, they can get the mowers moved and be able to begin taking care of the facilities on their own.

v. ROC 2021-011, Salary Ordinance 2021-07: LIT/PSAP

Vickie Oster, E-911 Director, explained that she had requested small stipends last month and then withdrew the request after speaking with her employees and determining that no one was interested for various reasons. After having time to reflect, Ms. Oster has determined that it would be prudent to add three \$1,000 per year stipends for an assistant supervisor and three \$1,500 per year stipends for a shift supervisor. These monies are currently in her budget and do not require additional funding.

vi. ROC 2021-013, Salary Ordinance 2021-09, Additional Appropriation Ordinance 2021-07: Building Inspection

Commissioner Chris Switzer was present on behalf of this request. It was felt that Carrie Lindsay's job was more that of an administrative assistant rather than a secretary and she should receive a pay increase. The job duties between the two designations are quite different and that is why they are asking for the raise. David Thompson ask that if in keeping with past practices if this was something that should be sent to Wagner, Irwin Scheele ("WIS"). Discussion followed in which it was stated that nothing further was to be sent to WIS. Commissioner Kearns expanded on that statement. The Commissioners have decided that they will use our in-house Human Resources professional, Kara Wright, in the future to take over the duties formerly handled by WIS. Although official notice has not yet been given to WIS, it is the intent to not request further services from them. Further discussion took place.

vii. ROC 2021-014, Salary Ordinance 2021-10, Additional Appropriation Ordinance 2021-08: Commissioners

Commissioner Brendan Kearns presented this request. He noted that this had been requested at last year's annual budget meetings but wasn't really acted on. He doesn't believe it was denied but that it just never came forward. They are asking today to consider one of those positions, specifically, that of Administrative Assistant Tammy Allen. The pay for her position falls far below even what is being paid in-house. Kara Wright, HR Director, also noted that Tammy does far, far more than what her job description entails. Commissioner Chris Switzer also added that she does other duties for entities (i.e. the CIB) which take a lot of time and she is not compensated in any way for it. Further discussion took place.

viii. ROC 2021-017, Encumbrances

[NOTE: This was again inadvertently referred to as ROC 2021-015 but should be correctly identified as ROC 2021-017.] This was touched upon at the beginning of the meeting.


Don Morris made a motion to adjourn the meeting at 6:45 p.m. Travis Norris seconded the motion. Upon a voice vote of 7-0, the motion was unanimously approved.

MINUTES OF THE VIGO COUNTY COUNCIL
SUNSHINE MEETING
April 6, 2021

Presented to the Vigo County Council, read in full and adopted as written this 4th day of May, 2021.

Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>	Brenda Wilson	
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>		
Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>	Travis Norris	
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>		
Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>	Marie Theisz	
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>		
Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>	Don W. Morris	
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>		
Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>	Vicki Weger	
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>		
Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>	David Thompson	
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>		
Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>	Aaron Loudermilk,	
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	President	

Attest:


James W. Bramble
Vigo Auditor

APPLICATION FOR DECLARATION OF AN
ECONOMIC REVITALIZATION AREA AND FOR TAX ABATEMENT FOR
UTILITY PERSONAL PROPERTY

Duke Energy Renewables Solar, LLC (“DERS”) applies to the Vigo County Council as the county executive designating body under I.C. §6-1.1-12.1, *et seq*, on behalf of Pierson and Linton Townships, Vigo County, Indiana (“Council”) to declare certain real and personal property in Pierson and Linton Townships an Economic Revitalization Area (“ERA”) and to provide for the abatement of taxation on such personal property to be located on owned and leased real estate within Pierson and Linton Townships, and in support thereof, states and shows as follows:

1. DERS intends to erect Hoosier Jack Solar, a solar energy development of photovoltaic panels ranging from three hundred twenty (320) to four hundred fifty (450) watts each with a total generating capacity of one hundred seventy-five (175) MWac of energy for delivery to the Duke Energy Indiana one hundred thirty-eight (138) kV transmission line near Farmersburg, Indiana (the “Facility”). The Vigo County portion of the Facility will be approximately eight hundred ninety-six (896) acres total, on acreage leased on the Peabody mine site in Pierson and Linton Townships, in Vigo County, Indiana currently owned by Farmer Jack, LLC and Hoosier Jack, LLC. The subject property for the proposed Facility site is depicted in the attached Exhibit A (the “Proposed Facility Subject Property” & “Property Facility Parcel List.”)

2. It is projected that construction of the Facility will begin after zoning approvals, and confirmation of the PPA contract with a projected construction commencement date of mid-2023, and is anticipated to be completed before the end of 2024.

3. It is expected that construction of the Facility will locally employ approximately two hundred (200) workers on-site for the duration of the construction period over twelve to eighteen months.

4. The completed Facility will require two (2) to four (4) permanent full-time operations and maintenance employees

5. The total cost of the Facility (Vigo County portion) is estimated approximately one hundred million dollars (\$100,000,000.00) as set forth in the Statement of Benefits / Utility Distributable (Form SB-1/UD) attached hereto as Exhibit B (with "Cost Analysis Summary.")

6. An Economic Revitalization Area designation for the purposes of tax abatement for personal property is sought for the Facility in order to induce DERS to construct and maintain the Facility in Pierson and Linton Townships, Vigo County, Indiana.

7. Construction and maintenance of the Facility depends on, among other things, the declaration of an ERA by the Vigo County Council and a resolution approving a subsequent tax abatement for personal property for a period of ten (10) years. The abatement of taxation is a substantial incentive for DERS to construct and develop the Facility in Pierson and Linton Townships, Vigo County, Indiana.

WHEREFORE, DERS applies to the Vigo County Council on behalf of Pierson and Linton Townships, Indiana to adopt a resolution at its regularly constituted meeting declaring the Facility as an Economic Revitalization Area pursuant to I.C. §6-1.1-12.1, *et seq.* and that deductions from the Facility be granted for a period of ten (10) years. DERS requests that a public hearing on this application be held, and requests that the Vigo County Council confirm its resolution declaring the Facility as an Economic Revitalization Area.

Respectfully submitted,

Duke Energy Renewables Solar, LLC

By: _____

Its: _____

1221 S. Michigan Expressway, Suite 200
Aurora, New Mexico 87001-1111 (505) 222-8225
www.energypartners.com (web site)

ERP
ENERGY RENEWAL PARTNERS, LLC

LEGEND

- Project Area (~1,514 acres)
- Proposed Electric Transmission

**Duke Energy Renewables
Hoosier Jack Solar Project
Site Map**

Project Owner: R.D. and Linda Buehler, Jr.
 N
 0 1,000 2,000 Feet
FIGURE 1
 Prepared by: J. Hines Date: 05/01/2013

EXHIBIT A
PROPOSED FACILITY SITE PARCEL LIST

Exhibit A
Duke Energy Renewables Solar, LLC
Hoosier Jack
Vigo County

Parcel ID	County	Taxing District	Acreage
84-14-31-200-003.000-015	Vigo	Pierson Township	40.00
84-14-31-200-001.000-015	Vigo	Pierson Township	40.00
84-14-31-100-001.000-015	Vigo	Pierson Township	70.00
84-14-31-200-005.000-015	Vigo	Pierson Township	17.50
84-14-31-200-006.000-015	Vigo	Pierson Township	20.00
84-14-31-400-002.000-015	Vigo	Pierson Township	60.00
84-14-31-100-002.000-015	Vigo	Pierson Township	70.75
84-14-31-300-001.000-015	Vigo	Pierson Township	17.25
84-14-31-300-002.000-015	Vigo	Pierson Township	17.25
84-14-31-300-003.000-015	Vigo	Pierson Township	35.00
84-14-31-400-001.000-015	Vigo	Pierson Township	40.00
84-14-31-200-002.000-015	Vigo	Pierson Township	40.00
84-14-31-400-003.000-015	Vigo	Pierson Township	60.00
84-14-31-300-004.000-015	Vigo	Pierson Township	67.75
84-14-31-300-005.000-015	Vigo	Pierson Township	2.25
84-13-36-200-002.000-006	Vigo	Linton Township	25.00
84-13-36-200-003.000-006	Vigo	Linton Township	15.00
84-13-36-200-001.000-006	Vigo	Linton Township	40.00
84-13-36-200-004.000-006	Vigo	Linton Township	20.00
84-13-36-200-005.000-006	Vigo	Linton Township	10.00
84-13-36-200-006.000-006	Vigo	Linton Township	10.00
84-13-36-200-007.000-006	Vigo	Linton Township	20.00
84-13-36-400-001.000-006	Vigo	Linton Township	30.60
84-13-36-400-003.000-006	Vigo	Linton Township	1.40
84-13-36-400-004.000-006	Vigo	Linton Township	43.48
84-13-36-502-002.000-006	Vigo	Linton Township	6.15
84-13-36-400-007.000-006	Vigo	Linton Township	0.84
84-13-36-400-006.000-006	Vigo	Linton Township	4.00
84-13-36-400-010.000-006	Vigo	Linton Township	10.00
84-13-36-400-005.000-006	Vigo	Linton Township	9.00
84-13-36-400-008.000-006	Vigo	Linton Township	20.00
84-13-36-400-009.000-006	Vigo	Linton Township	33.16
Total Pierson and Linton Township Acreage			896.38

EXHIBIT B **SB-1 DRAFT & COST ANALYSIS SUMMARY**



STATEMENT OF BENEFITS **UTILITY DISTRIBUTABLE PROPERTY**

State Form 524M6 (R3 / 11-15)

Prescribed by the Department of Local Government Finance

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

FORM
SB - 1 / UD

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, Form UD-ERA must be filed with the county assessor. Form UD-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved must submit Form CF-1/UD annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/UD that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/UD that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION										
Name of taxpayer Duke Energy Renewables Solar, LLC					Name of contact person Tyler Coon					
Address of taxpayer (number and street, city, state and ZIP code) 550 S. Caldwell St., Charlotte, NC 28202					Title of contact person Business Development Manager					
Telephone number (980) 373-9621			Fax number ()		Telephone number (317) 838-2806			E-mail address of contact person Tyler.Coon@duke-energy.com		
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT										
Name of designating body Vigo County Council					Resolution number 21-					
Location of property Pierson Township					County Vigo County		Taxing district 84-015			
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment (Use additional sheets if necessary) 175 MWac solar-powered electric generation facility on 900 acres of leased and/or purchased land in Pierson Township.					ESTIMATED					
							Start Date	Completion Date		
					Manufacturing Equipment		06/2023	12/2024		
					Research & Development Equipment		n/a	n/a		
					Logistical Distribution Equipment		n/a	n/a		
Information Technology Equipment		n/a	n/a							
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT										
Current number 0	Salaries n/a		Number retained 0		Salaries n/a		Number additional 3		Salaries \$240,000	
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT										
NOTE: Pursuant to IC 6-1.1-12.1-5.1(d)(2) the COST of the property is confidential.		Manufacturing Equipment		Research & Development Equipment		Logistical Distribution Equipment		Information Technology Equipment		
		Cost	Assessed Value	Cost	Assessed Value	Cost	Assessed Value	Cost	Assessed Value	
Current values		0	0	n/a	n/a	n/a	n/a	n/a	n/a	
Plus estimated values of proposed project		100,000,000		n/a	n/a	n/a	n/a	n/a	n/a	
Less values of any property being replaced		0	0	n/a	n/a	n/a	n/a	n/a	n/a	
Net estimated values upon completion of project		100,000,000		n/a	n/a	n/a	n/a	n/a	n/a	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER										
Estimated solid waste converted (pounds) n/a					Estimated hazardous waste converted (pounds) n/a					
Other benefits:										
SECTION 6 TAXPAYER CERTIFICATION										
I hereby certify that the representations in this statement are true.										
Signature of authorized representative					Title Vice President		Date signed (month, day, year)			
E-mail address Brian.Stallman@duke-energy.com					Telephone number (513) 287-2026		Fax number ()			

EXHIBIT B, Cont'd.

Duke Energy Renewables Solar, LLC Vigo County Hoosier Jack Solar Investment

No Project at Farmer Jack site	Taxable Cost / Value (Millions)	Vigo County Taxes Without Project (35 Year Projection)
Existing Agricultural Land 900 Acres (Assessed)	0.45	<u>\$360,999</u>

Hoosier Jack Investment and County Tax Benefits Projection (with abatement)	Taxable Cost / Value (Millions)	Vigo County Taxes with Project (35 Year Projection)
Project Costs		
Solar modules, inverters, trackers racks and related project costs	95.0	\$20,478,584
Real estate and real property site improvements	9.5	<u>\$5,036,670</u>
Total 35 Year Taxes with Hoosier Jack Solar Project		<u>\$25,515,254</u>

EXHIBIT B, Cont'd.

Duke Energy Renewables Solar, LLC
Vigo County Hoosier Jack Solar Investment
10 Year Property Tax Abatement Schedule

Tax Year	Improvement Cost	True Tax Value	Tax Abatement %	Abated	Paid
1	\$100,000,000	\$42,833,333	100%	\$953,856	\$0
2	\$100,000,000	\$91,750,000	90%	\$1,838,864	\$204,318
3	\$100,000,000	\$83,666,667	80%	\$1,490,539	\$372,635
4	\$100,000,000	\$75,583,333	70%	\$1,178,216	\$504,950
5	\$100,000,000	\$67,500,000	60%	\$901,895	\$601,263
6	\$100,000,000	\$59,416,667	50%	\$661,575	\$661,575
7	\$100,000,000	\$51,333,333	40%	\$457,257	\$685,886
8	\$100,000,000	\$43,250,000	30%	\$288,940	\$674,194
9	\$100,000,000	\$35,166,667	20%	\$156,625	\$626,502
10	\$100,000,000	\$31,833,333	10%	\$70,890	\$638,007
Total				<u>\$7,998,658</u>	<u>\$4,969,330</u>